



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## **Decision**

**Matter of:** Coffman Construction, Inc.

**File:** B-232717

**Date:** October 14, 1988

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### **DIGEST**

Protest is dismissed because protester is not an interested party under General Accounting Office Bid Protest Regulations where protester, third low bidder, would not be in line for award should its protest against low bid be sustained, since protester has not protested against any possible award to second low bidder.

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### **DECISION**

Coffman Construction, Inc., protests the proposed award of a contract to H.B. Lien Construction Co. under invitation for bids (IFB) N62474-87-B-7611 issued by the Western Division, Naval Facilities Engineering Command. The IFB is for the repair of airfield pavements at the Marine Corps Air Station, El Toro, California. Coffman claims that Lien's low bid should be rejected because Lien failed to provide "a suitable bid guarantee in the full amount of 20 [percent] of the bid price . . . ."

We dismiss the protest without receiving the comments of Coffman, based upon the Navy's report which shows that Coffman is not an interested party under our Bid Protest Regulations. See 4 C.F.R. § 21.3(m) (1988).

According to the Navy, Coffman is the third low bidder and is not in line for award under the IFB should Lien's bid be rejected. Coffman has not protested any possible award to the second low bidder and there is no evidence in the record that the second low bidder would not be eligible for award. We note, incidentally, that Lien's bid bond satisfies the 20 percent requirement.

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In these circumstances, where Coffman would not be in line for award of the contract if its protest were sustained, Coffman is not an interested party for the purpose of protesting the agency's finding that the low bid was responsive and, consequently, we dismiss the protest. 4 C.F.R. § 21.0(a); Waukesha Alaska Corporation; VECO Incorporated, B-229918; B-229918.2, Apr. 27, 1988, 88-1 CPD ¶ 412.

The protest is dismissed.

*James W. Kukuc*  
*for*

Robert M. Strong  
Associate General Counsel